

REMARKS

I. PRELIMINARY REMARKS

Minor modifications have been made to the specification. Claims 12, 16 and 18-20 have been amended. No claims have been added or canceled. Claims 12, 14-16 and 18-20 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Applicant notes with appreciation that the Office Action indicated that claims 18-20 are directed to patentable subject matter. As claims 18-20 have been rewritten in independent form, applicant respectfully submits that claims 18-20 are in condition for allowance.

With respect to the statements at the top of page 2 and the bottom of page 4 of the Office Action, applicant respectfully notes (1) that the devices illustrated in Figures 17d-f of the present application are merely exemplary embodiments of the claimed inventions and (2) that the patentability of each invention derives from the claimed combination of elements defining that invention, viewed as a whole, rather than from the presence of any particular element (or elements) in the combination.

II. PRIOR ART REJECTIONS

Claims 12 and 14-16 have been rejected under 35 U.S.C. § 102 as being anticipated by the U.S. Patent No. 6,679,269 to Swanson ("the Swanson '269 patent"). The rejection under 35 U.S.C. § 102 is respectfully traversed with respect to the claims as amended above. Reconsideration thereof is respectfully requested.

Independent claim 12 calls for a combination of elements including, *inter alia*, "a shaft" and "an electrode, carried by the distal region of the shaft, defining a distal region and a pair of exterior openings **outside the shaft** in the distal region of the electrode connected by a through hole extending through the electrode, the through hole being closed but for the exterior openings in the distal region of the electrode." The Swanson

'269 patent fails to teach or suggest such a combination. For example, only one of the openings in the electrode illustrated in Figure 29 of the Swanson '269 patent is located outside the shaft. As the Swanson '269 patent fails to teach or suggest each and every element in independent claim 12, applicant respectfully submits that the rejection of claims 12, 14 and 15 under 35 U.S.C. § 102 should be withdrawn.

Independent claim 16 calls for an electrode comprising "a main body portion" and "a pair of exterior openings ... connected by a through hole ... at least a portion of the through hole being **oriented at a non-parallel angle** to the longitudinal axis of the main body portion." The Swanson '269 patent fails to teach or suggest such a combination. For example, the through hole in the electrode illustrated in Figure 29 of the Swanson '269 patent is coaxial with the longitudinal axis. As the Swanson '269 patent fails to teach or suggest each and every element in independent claim 16, applicant respectfully submits that the rejection of claim 16 under 35 U.S.C. § 102 should be withdrawn.

III. CLOSING REMARKS

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.


The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such

fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

9/12/05
Date

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Respectfully submitted,



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